
Public Safety Committee

HB 2704

Brief Description: Authorizing general authority Washington peace officers to assist the department of corrections with the supervision of offenders.

Sponsors: Representatives Klippert, Hayes, Wilson, Griffey and Smith.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Grants authority to general authority peace officers to search, detain, and arrest offenders that have violated the terms of their community supervision.

Hearing Date: 2/2/16

Staff: Yvonne Walker (786-7841).

Background:

If an offender violates any condition or requirement of a sentence, a community corrections officer (CCO) may arrest or cause the arrest of the offender without a warrant, pending a determination by the court or by the Department of Corrections (DOC). If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, a CCO may require an offender to submit to a search of the offender's person, residence, automobile, or other personal property.

A CCO may also arrest an offender for any crime committed in the CCO's presence. The facts and circumstances of the conduct of the offender must be reported by the CCO, with recommendations, to the court, local law enforcement, or local prosecution for consideration of new charges. The CCO's report serves as the notice that the DOC will hold the offender for not more than three days from the time of notice for the new crime, except if the offender's underlying offense is for certain felony offenses, in which case the DOC will hold the offender for 30 days from the time of arrest or until a prosecuting attorney charges the offender with a crime, whichever occurs first. If a CCO arrests or causes the arrest of an offender, the offender must be confined and detained in the county jail of the county in which the offender was taken

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into custody. The sheriff of that county must receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the CCO. Such offenders must not be released from custody on bail or personal recognizance, except upon approval of the court or authorized DOC staff, pursuant to a written order.

General authority Washington peace officer means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the State of Washington. This includes any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government.

Summary of Bill:

Any general authority peace officer has authority to assist the DOC with the supervision of offenders. If a peace officer has reasonable cause to believe an offender has violated the terms of supervision, the peace officer may search the offender's person, automobile, or personal property for evidence of the violation. A peace officer may assist a CCO with a search of the offender's residence if requested to do so by the CCO.

A peace officer has authority to arrest and detain any offender who violates a condition of community custody and place the offender in total confinement pending disposition of the alleged violation. The peace officer must provide the DOC with a report summarizing the arrest and supporting evidence within 24 hours, excluding weekends and holidays. If the DOC does not pursue sanctions, the offender must be released on the violation.

Appropriation: None.

Fiscal Note: Requested on January 26, 2015.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.